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TRADEMARK  
Docket No. 110.2\*11/AW/A678

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application **Serial No. 78-105,493**  
For the mark SAVON DE-LUXE FRENCH MILLED SOAPS  
And Design  
Published in the Trademark *Official Gazette* on August 13, 2002

Albertson's, Inc. and American Stores  
Company,

Opposers,

v.

Truescents, LLC,

Applicant.

Opposition No.

12-12-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77

**NOTICE OF OPPOSITION**

Albertson's, Inc., a Delaware corporation, having its principal place of business at 250 Parkcenter Blvd., Boise, Idaho 83726, and American Stores Company, a Delaware corporation, having its principal place of business at 250 Parkcenter Blvd., Boise, Idaho 83726, (hereinafter individually and collectively referred to as "Opposers") believe that they will be damaged by registration of the mark shown in application Serial No. **78-105,493**, filed January 29, 2002, in International Class 3 (hereinafter "the '493 application") and hereby opposes its registration.

As grounds for opposition, Opposers allege that:

1. Applicant Truescents, LLC seeks to register SAVON DE-LUXE FRENCH MILLED SOAPS And Design as a trademark for French milled soaps, namely, skin soaps, toilet soaps, deodorant soaps, and liquid soaps for hands, face, and body, in International Class 3, as evidenced by the publication of said mark in the *Official Gazette* of August 13, 2002 on page TM 253.

2. Since prior to Applicant's alleged priority date, Opposers and their predecessor have been continuously engaged in the retail drug store business, selling a wide variety of merchandise, including an extensive line of private label food, drugs, health and beauty products, and/or household goods, such as soap for hands, face and body. Opposers operate one of the leading retail drug store chains in the United States.

3. Since prior to Applicant's alleged priority date, Opposers and their predecessor have continuously and extensively used various trade names and marks incorporating the term SAV-ON (hereinafter the "SAV-ON Names and Marks") in connection with the operation of retail drug stores and for a wide variety of goods, including an extensive line of private label food, drugs, health and beauty products, and/or household goods, such as soap for hands, face and body.

4. Since prior to Applicant's alleged priority date, Opposers have been and remain the owner of Application Serial No. 74-652,534, filed March 28, 1995, to register the mark SAV-ON DRUGS, for retail drug stores, in International Class 35.

5. Since prior to Applicant's alleged priority date, Opposers have been and remain the owner of Application Serial No. 75-028,456, on December 6, 1995, to register the mark SAV-ON, for retail drug stores, in International Class 42.

6. Since prior to Applicant's alleged priority date, Opposers have been and remain the owner of Application Serial No. 75-976,017, filed February 2, 1996, to register the mark SAV-ON, for a variety of goods in Classes 1, 3, 4, 5, 9, 10, 11, 16, 17, 21, 24, 25 and 32, including, inter alia, bubble bath, skin cleansers, and soaps for hands, face and body.

7. Opposers have established a valuable goodwill and reputation in connection with the SAV-ON Names and Marks, which goodwill would be jeopardized by the use and registration by Applicant of the mark SAVON DE-LUXE FRENCH MILLED SOAPS And Design for the goods set forth in Serial No. 78-105,493.

8. The goods for which Applicant seeks to register the mark SAVON DE-LUXE FRENCH MILLED SOAPS And Design –namely, French milled soaps, namely, skin soaps, toilet soaps, deodorant soaps, and liquid soaps for hands, face, and body – are identical or closely related to the

health and beauty products, including soaps, and to the retail drug store services sold or rendered under Opposers' prior SAV-ON Names and Marks.

9. Opposers are informed and/or believe that Applicant was aware of Opposers' use of the SAV-ON Names and Marks prior to Applicant's filing of the '493 application opposed herein.

10. Opposers are informed and/or believe that Applicant was aware of Opposers' use of the SAV-ON Names and Marks prior to Applicant's adoption of the mark of the '493 application opposed herein.

11. Applicant's mark SAVON DE-LUXE FRENCH MILLED SOAPS And Design so resembles Opposers' SAV-ON Names and Marks, previously used and filed for registration by Opposers and not abandoned, as to be likely, when applied to the goods of Applicant, to cause confusion, or to cause mistake, or to deceive.

12. Opposers are informed and believe that Applicant did not use the mark SAVON DE-LUXE FRENCH MILLED SOAPS And Design for any of the goods of the '493 application prior to its filing date of January 29, 2002.

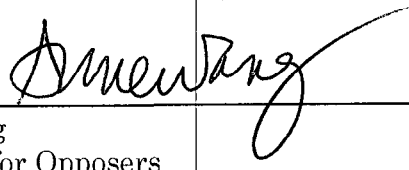
13. Opposers would be damaged by the issuance to Applicant of a registration of the mark SAVON DE-LUXE FRENCH MILLED SOAPS And Design for the goods set forth in Serial No. 78/105,493.

WHEREFORE, Opposers pray that the registration of Application Serial No. 78/105,493 be refused and that this opposition be sustained.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

Date Dec. 10, 2002

By

  
Anne Wang  
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P.O. Box 7068  
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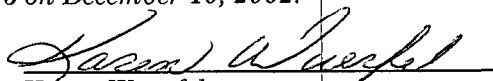
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Docket No. 110.2\*11/AW/A678

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF OPPOSITION TRANSMITTAL**

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on December 10, 2002.*

  
Karen Wuerfel

Box TTAB FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

December 10, 2002

Commissioner:

Enclosed for filing are the following:

1. Notice of Opposition (original and copy) filed by Albertson's, Inc. and American Stores Company relating to the following registration application:

**Mark : SAVON DE-LUXE FRENCH MILLED SOAPS**  
**Serial No. : 78/105,493**  
**Filed : January 29, 2002**  
**Class(es) : 3**  
**Applicant : Truescents, LLC**


2. Our check for \$300.00 for the opposition filing fee.

The Commissioner is authorized upon filing or during prosecution of this opposition to charge any additional fees which may be required or credit any overpayment of fees to Deposit Account No. 03-1728. Please show our docket number with any Deposit Account transaction.  
**A copy of this letter is enclosed.**

Please address all correspondence to **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, California 91109-7068.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
Anne Wang  
626/795-9900

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